

Att'y Ref. No. 003-060

U.S. App. No.: 10/611,944

### REMARKS

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the following remarks.

#### Information Disclosure Statement (IDS)

Applicant acknowledges receipt with the Office Action of a partially-Examiner-initialed form PTO-1449, the original of which was part of Applicant's IDS filed 27 April 2004; however, one of the documents cited in that IDS was not considered. More specifically, the European Search Report identified in the "Other" section of the 1449 was not considered, as indicated by the lack of the Examiner's initials next to its listing. Applicant's undersigned representative has reviewed the Image File Wrapper (IFW) for this application, and has confirmed that all pages of that Search Report are present. Applicant therefore respectfully requests consideration of the Search Report, and return of a fully-Examiner-initialed form PTO-1449.

#### Rejection under 35 U.S.C. § 102

In the Office Action, beginning at page 2, Claims 1-10 were again rejected under 35 U.S.C. § 102(b) as reciting subject matters that allegedly are anticipated by *Halling*. Applicant respectfully requests reconsideration of this rejection.

The present application describes exemplary sealing bodies in accordance with the principles of the present invention. As illustrated in the drawing figures, a sealing body 7 according to the present invention is provided with a support zone 11, which is formed between contact zones 8. Furthermore, the sealing body 7 is supported by this support zone 11 on a step 10 provided at one of the components 1 or 2.

One aspect of the present invention includes that the positioning of the supporting zone between the contact zone can be important to ensure the sealing effect of the gap seal in case of a relative movement of the components parallel to the surface of the step, *i.e.*, vertically to the sealing surfaces of the components.

Claim 1, the sole independent claim, recites a combination of elements including, *inter*

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*alia*, two components separated by a gap, each component including a scaling surface, the two sealing surfaces facing each other, one of the two components comprising a step that projects from one component sealing surface toward the other component sealing surface, and a sealing body comprising a band having a cross-section bent in such a way to form two contact zones which abut with a preload against the two scaling surfaces of the components and deflect resiliently when the distance between the sealing surfaces is changed, and a support zone formed between the contact zones supported vertically relative to the direction of resilient movement on said step. The prior art of record, including *Halling*, fails to identically disclose or describe a combinations of elements as recited in the combination of Claim 1.

A review of the Office Action reveals that the patent examiner may not fully appreciate the scopes of the claims under examination. More specifically, while the Office Action acknowledges that Claim 1 includes, *inter alia*, a support zone (see page 3, first two lines), the Office Action goes on to state that "Applicants' argument that the supporting zone 11 of applicants is not disclosed by *Halling* is not persuasive since applicants' [sic] has only claimed a step which is disclosed by *Halling*." Office Action, page 4, "Response to Arguments".

A plain reading of Claim 1, as reproduced without amendment above, indicates:

1. the support zone 11 is positively recited in the claimed combination;
2. the support zone 11 is a part of the scaling body 7; and
3. the support zone 11 is arranged between the contact zones 8.

As argued in Applicant's comments to the April 26, 2004, Office Action, filed 26 August 2004, *Halling* does not include a scaling body with a support zone between contact zones. As stated in that Response:

Fig. 1: The facing scaling surfaces have references 44 and 48. Accordingly, the contact zones abutting these scaling surfaces 44, 48 would have references 40 and 34. Between these contact zones 40, 34 there is no supporting zone supported on any step. The zones 20 and 22 are separated from the steps 42 and 46. Zone 36 is not between the contact zones 40 and 34.

Fig. 3: The facing sealing surfaces have references 104 and 98. Accordingly, the contact zones abutting these scaling surfaces 104, 98 would have references 88 and 92. Between these

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contact zones 88, 92 there is no supporting zone supported on any step. The zones 84, 82, 80, 78, 76 are separated from the step 96 and the zones 83, 81, 79, 77 are separated from the step 102. There is no contact between the body 105 and the components except at the contact zones.

Fig. 8: The facing sealing surfaces have references 166 and 168. The contact zones are not labeled. Between these contact zones there is no supporting zone supported on any step. The right-hand zone 160 isn't facing any step. The left-hand zone (not numbered) is separated from step 178. Zone 176 isn't located between the contact zones.

Fig. 9: The facing sealing surfaces have references 194 and 200. Accordingly, the contact zones abutting these sealing surfaces 194, 200 would have references 192 and 198. Between these contact zones 192, 198 there is no supporting zone supported on any step. The right-hand zone 180 is separated from the facing step (not numbered). The left-hand zone (not numbered) is also separated from the facing step (not numbered). An end-zone near the contact zone 198 is not between the contact zones 192 and 198. A support zone of the sealing body has a left end contacting the component 202, but is not arranged between contact zones.

Fig. 10: The facing sealing surfaces have references 42 and 46. Accordingly, the contact zones abutting these sealing surfaces 44, 46 would have references 40' and 34'. Between these contact zones 40', 34' there is no supporting zone supported on any step. The zones 20' and 22' are separated from the steps 44 and 48. Zone 36' is not between the contact zones 40' and 34'.

There are structural distinctions between the gap seal as recited in the combinations of the pending claims and *Halling's* gap seal. The positioning of the support zone between the contact zones, as recited in the pending claims, can be important in order to ensure the sealing effect of the gap seal when there is relative movement of the components parallel to the surface of the step, *i.e.*, vertical relative to the sealing surfaces of the components. Since the exemplary supporting zone 11 is arranged between the two contact zones 8, there is no or very little momentum affecting the sealing body 7, this momentum being a result of the pressure difference between the two spaces connected by the gap 3. When the support zone is arranged eccentrically, as in *Halling's* device, the momentum may be very large and may result in abrasive effects between the support zone and the step. Furthermore, the momentum may

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provoke a rolling movement of the sealing body that may interfere with the sealing effect of the gap seal.

While this explanation of potential benefits of the claimed combinations over *Halling's* device is useful, a fundamental failing of the Office Action's reliance on *Halling* is that *Halling* does not identically disclose each and every limitation as recited in the combinations of the pending claims, and therefore cannot anticipate the subject matters of Claims 1-10.

For at least the foregoing reasons, Applicant respectfully again submits that the subject matters of each of Claims 1-10 are not anticipated by *Halling*, are therefore not unpatentable under 35 U.S.C. § 102(b), and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 102.

#### **Conclusion**

Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of this patent application is therefore respectfully solicited.

If the patent examiner believes that a telephone conference with the undersigned would expedite passage of this patent application to issue, they are invited to call on the number below.

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It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. If, however, additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is hereby authorized to charge fees necessitated by this paper, and to credit all refunds and overpayments, to my Deposit Account 50-2821.

Respectfully submitted,

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Date: 16 May 2005